

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 21-108 (PAM/TNL)

Plaintiff,

v.

**ORDER**

Tou Thao, J Alexander Kueng,  
and Thomas Kiernan Lane,

Defendants.

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This matter is before the Court on the Government's recently filed Motions regarding Defendants' evidence.

**A. Motions to Exclude Expert Witnesses**

The Government moves to exclude two expert witnesses: Defendant Lane's police-practices and use-of-force expert, Greg Meyer, and Defendant Kueng's police-practices and use-of-force expert, Steve Ijames. According to the Government, these experts' reports are replete with legal conclusions, attempt to introduce hearsay, and make improper determinations of fact and witness credibility. The Government also argues that Mr. Meyer's report contains no methodology and thus does not comply with the relevant evidentiary standards for expert witnesses.

These experts' reports are not admissible. Thus, whether those reports contain conclusions that are inadmissible is irrelevant. What is relevant is whether the experts are qualified—they clearly are—and whether their testimony will assist the jury. Certainly the use of force is a topic of great import in this case, and testimony regarding police practices

in that regard will assist the jury. The Court does not anticipate any party attempting to introduce inadmissible or improper opinion testimony from their expert witnesses. But should either of these experts attempt to testify regarding matters that are inadmissible or improper, the Government may object. The Motions to Exclude are denied.

**B. Motion to Exclude Certain Evidence**

The Government seeks to exclude certain exhibits included on Defendants' exhibit lists. Without having opportunity to view the evidence at issue, and without the evidentiary context of trial, the Court cannot at this juncture determine whether the evidence is inadmissible. The Motion will be denied without prejudice to further discussion and objection during trial.

**CONCLUSION**

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Motions to Exclude Expert Witnesses (Docket Nos. 200, 201) are **DENIED**; and
2. The Motion to Exclude Defense Exhibits (Docket No. 202) is **DENIED without prejudice.**

Dated: Friday, January 14, 2022

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge